

In the Matter of Merchant Mariner's Document No. Z-268560-D1 and  
all other Licenses, Certificates and Documents

Issued to: THOMAS RICHARD JONES

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

942

THOMAS RICHARD JONES

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 code of Federal Regulations Sec. 137.11-1.

An Examiner of the United States Coast guard conducted a hearing at New York, New York, and by order dated 27 August 1956, suspended Appellant's documents upon finding him guilty of misconduct. The specification alleges, in substance, that while serving as an unlicensed Junior Engineer on the American SS SANTA CLARA under authority of the document above described, on or about 28 July 1956, Appellant failed to join his vessel upon her departure from Savannah, Georgia.

The Examiner concluded that the charge and specification had been proved by plea. He then suspended Appellant's documents for a period of six months. This order included a three months' suspension on nine months' probation entered by a Coast Guard Examiner in June 1956 for failure to perform duties and absence from his ship.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 28 July 1956, Appellant was in the service of the American SS SANTA CLARA as an unlicensed Junior Engineer and acting under authority of his Merchant Mariner's Document No. Z-268560-D1 while the ship was in the port of Savannah, Georgia.

On this date, Appellant went ashore in the morning, knowing that the ship was scheduled to leave at 1700 the same day. Appellant fell asleep in a movie theater and failed to join the ship when she departed from Savannah as scheduled.

OPINION

Appellant's only ground for appeal is that he considers the order of the six months' suspension to be unreasonably harsh under the circumstances. Since the present order includes a prior probationary suspension of three months, Appellant received an additional outright suspension of three months for the offense under consideration in this case.

In view of the fact that Appellant's failure to join occurred in a domestic port rather than in a foreign port where replacements are usually more difficult to obtain, the order will be modified to impose a one-month outright suspension and a probationary suspension for the present offense in addition to the prior three months' suspension on probation which was activated by the Examiner.

#### ORDER

The order of the Examiner dated at New York, New York, on 27 August 1956, is modified to provide that Merchant Mariner's Document No. Z-268560-D1, and all other licenses, certificates and documents issued to Appellant by the United States Coast Guard or its predecessor authority are suspended outright for a period of four (4) months. Appellant's documents are further suspended for an additional two (2) months which shall not become effective provided no charge under R.S. 4450, as amended (46 U.S.C. 239), is proved against Appellant for acts committed during the period of outright suspension or within six (6) months from the date of the termination of the outright suspension.

As so MODIFIED, said order is

AFFIRMED.

J. A. Hirshfield  
Rear Admiral, United States Coast Guard  
Acting Commandant

Dated at Washington, D. C., this 12th day of December, 1956.